

H.B. 76

GOVERNMENT COMPETITION AND PRIVATIZATION ACT

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 3

JANUARY 25, 2008 10:08 AM

Representative **Craig A. Frank** proposes the following amendments:

1. *Page 1, Lines 25 through 26:*

25 ▶ imposes requirements for when a ~~{government}~~ state entity may compete with a private
26 enterprise;

▶ imposes guidelines for when a local entity competes with a private enterprise;

2. *Page 12, Line 348 through Page 13, Line 374:*

348 63-55d-302. Local commission duties.

349 (1) (a) A local commission shall ~~{follow a procedure substantially similar}~~ adopt one or
more procedures to:

350 ~~{(a) Part 4, Government Competition Requirements, to}~~ (i) review ~~{or approve}~~ a
commercial

351 activity of a local entity;

352 ~~{(b) Part 5, Privatization Requirements, to}~~ (ii) review privatization of an activity of a local
353 entity; and

354 ~~{(c) Part 6, Enforcement, if}~~ (iii) review a complaint ~~{is}~~ filed with the local
commission {in a manner

355 substantially similar to Section 63-55d-602} .

(b) A local commission may only make recommendations to the governing body of a local entity for action.

356 (2) A local commission shall communicate with:

357 (a) the state commission concerning government competition and privatization; and

358 (b) other private or public entities that address government competition with a private
359 enterprise or privatization.

360 (3) A local commission shall:

361 (a) prepare an annual report that:

362 (i) describes the local commission's activities, including the local commission's
~~{actions}~~ recommendations

363 with respect to a complaint filed with the local commission; and

364 (ii) makes recommendations to address an activity of a local entity that the local
365 commission finds:

366 (A) is in competition with a private enterprise; or

367 (B) should be privatized; and

368 (b) submit the annual report by no later than December 1 to the state commission.

369 Section 8. Section **63-55d-303** is enacted to read:

370 63-55d-303. Local entity and commercial activities.

371 A local entity ~~{is subject to the same}~~ shall use the requirements ~~{as}~~ of a state
entity under Part 4.

372 Government Competition Requirements, ~~{except that the local commission created by the local~~

373 ~~entity or by an interlocal agreement in which the local entity participates grants approval in the~~

374 ~~same manner as the state commission for a state entity}~~ as a guideline to address when a local entity
competes with a private enterprise .